

**DEPARTMENT OF EDUCATION**  
**SPECIAL EDUCATION PROGRAMS**  
**Freeman School District**  
**Accountability Review - Monitoring Report 2010-2011**

**Team Members:** Linda Shirley; Team Leader, Donna Huber, Penny McCormick-Gilles; Education Specialists, Angie Boddicker; Special Education Programs, and Bev Petersen; Transition Liaison

**Dates of On Site Visit:** March 2, 3, 2011

**Date of Report:** May 5, 2011

3 month update due: August 5, 2011                      Date Received:

6 month update due: November 5, 2011                  Date Received:

9 month update due: February 5, 2012                  Date Received:

Closed:

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
  - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
  - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
  - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
  - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

#### **Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

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#### **FAPE in the LRE**

**Indicator 3:** Participation and Performance of children on with disabilities on statewide assessments.

- A. Percent of districts that have a disability subgroup that meets the State's minimum "n" size meeting the state's AYP objectives for progress for disability subgroup.
- B. Participation rate for children with IEP's in a regular assessment with no accommodations; alternate assessment against grade level standards; alternate assessment against grade level achievement standards.
- C. Proficiency rate for children with IEP's against grade level standards and alternate achievement standards.

#### **Finding:**

Through a review of 9 student files, data gathered by the team indicated accommodations/modifications were not consistently provided in the student's instructional program, and accommodations identified in the IEPs for state/district wide assessment were not consistently used during the assessment administration.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<b>Activity/Procedure:</b> 1. The district will review current policy/procedure with the special education teachers and testing coordinator to determine why discrepancies are occurring. 2. Develop a process that will allow for the appropriate documentation and provision of accommodations for state/district assessments. 3. Provide training to ensure special education staff and testing coordinator are proficient in the implementation of the procedures/process. 4. Implement procedures and collect data to verify accommodations	May, 2011	Special education director and special education staff and testing coordinator	

are appropriately documented and provided during state/district assessments.			
<b>Data Collection:</b> The district will collect and submit to SEP the following data: 1. Written description of the district's review process to identify why the discrepancies are occurring. 2. Written description of the process the district will implement to correct the discrepancies. 3. Submit an agenda for the required training which includes dates, time and a list of participants.			

**3 month Progress Report:**

**6 month Progress Report:**

**9 month Progress Report:**

## **1. GENERAL SUPERVISION**

**(Statement of non-compliance from report of February 19 and 20, 2004)**

### **Out of Compliance**

ARSD 24:05:17: 03 Annual report of children served

The district does not have documentation to verify services were being provided to one student listed on the district's 2002 child count. Interviews also confirmed there was not an IEP in effect on December 2, 2002 for this student. The Department of Education will withhold from the district the Individual with Disability Act (IDEA) federal funds for the misclassified student.

### **Follow-up: March 2, 3, 2011**

The district does not have documentation to verify services were provided to one student listed on the district's 2010 child count. Interviews confirmed there was not an IEP in effect on December 1, 2010 for this student. The Department of Education will withhold from the district the Individual with Disability Act (IDEA) federal funds for the misclassified student.

## **2. GENERAL SUPERVISION**

**(Statement of non-compliance from report of February 19 and 20, 2004)**

ARSD 24:05:22:03 Certified child

A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individual with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3-21 inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

A student listed on the child count as emotionally disturbed must be reevaluated to determine eligibility under Part B of the Individuals with Disabilities Education Act. Achievement testing was the only evaluation last completed.

A student listed on the child count as other health impaired must be reevaluated in the area of achievement as only a developmental test was administered.

A student listed on the child count as specific learning disability did not qualify for special education and related services as determined by the eligibility guidelines for South Dakota. However, the team decided to complete the IEP team override form. The team must document why standards and procedures used with the majority of students resulted in invalid findings for this student. The monitoring team determined the answer to this question was incomplete.

#### ARSD 24:05:25:04.03 Determination of eligibility

The IEP team must meet to determine eligibility for a student placed on the child count as a specific learning disability. The child does not qualify as learning disabled however, there is information available in the file which suggests the student may qualify as other health impaired. The file refers to medical information but it is not currently in the student file. The team must consider all information and determine the appropriate disability category.

#### ARSD 24:05:25:04 Evaluation procedures

The evaluation team must consider a variety of assessment tools and strategies to gather relevant functional and developmental information about the child, including information provided by the parents. Through the review of fifteen student records, the monitoring team found the district staff gathers data from classroom teachers to use as functional information in the evaluation process. During interviews, special education staff reported a lack of understanding concerning gathering and reporting functional assessment. The monitoring team noted a written summary of functional information was not consistently included in the evaluation report or in the present levels of performance. The students' present levels of academic performance, their progress in the general curriculum and the development of annual goals and short-term instructional therefore did not link to evaluation.

#### ARSD 24:05:25:06 Reevaluations

#### ARSD 24:05:27:01.03 Transition services

Transition services are a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based on the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, related services, community experiences, the development of employment and other post school adult living objectives, and if appropriate, acquisition of daily living skills and functional vocational evaluation.

Through review of nine files and staff interviews, the monitoring team noted transition evaluations were not administered prior to age 16 to assist in developing transition services and activities. District staff stated they knew assessment was necessary, however, were unsure of how to proceed.

**Follow-up: March 2, 3, 2011**

**State Performance Plan-Indicator 11, 15**

**Student #1 : 550 on child count speech only**

**Receiving OT and PT as a related service. Team needs to meet and go over data and determine if further evaluations are warranted to see if the student could possibly qualify in another area that would allow OT and PT as a related service. Submit eligibility determination.**

**Student #31 : 525 on child count specific learning disability**

**This student qualified for reading comprehension and basic reading skills. The student has a related service of OT with a goal of working on copying words from a board. This does not relate to a reading disability. The team needs to meet and determine appropriate eligibility. Submit eligibility determination.**

Five students were not evaluated in all areas of suspected disability and/or did not complete all evaluations required to determine eligibility.

Skill based evaluations were not given to some students in all areas of suspected disability. Skill based assessments were not found in 4 files reviewed. The DAKS was given to students for skill based evaluations; however a written skill based report was not submitted. The protocol for the evaluation was attached to the file

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<b>Activity/Procedure:</b> The district will review practice and procedures to ensure all students are evaluated in all areas of suspected disability and have skill based assessments in all areas of suspected disability. <b>Data Collection:</b> Data submitted for General supervision # 3 will be used to verify correction to this issue.	May 2011	School District	

**3 month Progress Report:**

**6 month Progress Report:**

**9 month Progress Report:**

### **3. GENERAL SUPERVISION**

**(Statement of non-compliance from report of February 19 and 20, 2004)**

#### **Out of compliance**

#### **ARSD 24:05:27:01.03 Content of individualized education program**

A student's IEP must contain present levels of performance based upon the skill areas affected by the student's identified disability. The present levels of performance are based upon the skill based assessment information gathered during the comprehensive evaluation process. In 13 of the 14 student files reviewed by the monitoring team, present levels of performance were not linked to skill based evaluation and did not contain skill-based strengths, needs or how the disability affects the child's involvement and progress in the general curriculum. In addition, 4 of the 13 present levels of performance reviewed did not include parental input. The present levels of performance stated skills that were not linked back to the functional assessment.

**ARDS 24:05:27:01.03. Content of individualized education program.** Each student's individualized education program shall include:

(1) A statement of the student's present levels of academic achievement and functional performance, including:

(a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or

(b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;

(2) A statement of measurable annual goals, including academic and functional goals, designed to:

(a) Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and

(b) Meet each of the student's other educational needs that result from the student's disability;

For students with disabilities who take alternate assessments aligned to alternate achievement standards, each student's IEP shall provide a description of benchmarks or short-term objectives;

(3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student:

(a) To advance appropriately toward attaining the annual goals;

(b) To be involved and progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and

(c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;

(4) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in activities described in this section;

(5) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments consistent with § 24:05:14:14. If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or district-wide assessment of student achievement, a statement of why:

(a) The student cannot participate in the regular assessment; and

(b) The particular alternate assessment selected is appropriate for the student;

(6) The projected date for the beginning of the services and modification described in this section and the anticipated frequency, location, and duration of those services and modifications;

(a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills; and

(b) The transition services (including courses of study) needed to assist the student in reaching those goals; and

(9) Beginning not later than one year before a student reaches the age of majority under state law, the student's individualized education program must include a statement that the student has been informed of his or her rights under Part B of the Individuals with Disabilities Education Act, if any, that will transfer to the student on reaching the age of majority consistent with § 24:05:30:16.01.

#### ARSD 24:05:27:13:02 Transition Services

Transition services are a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post-school activities. The coordinated set of activities shall be based on the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, related services, community experiences, the development of employment and other post school adult living objectives, and if appropriate, the acquisition of daily living skills and functional vocational evaluation.

**Follow-up: March 2- 3, 2011****State Performance Plan-Indicators 5, 8, 13, 15**

Present Levels of Academic Achievement and Functional Performance were not skill specific in fourteen files reviewed.

Goals were not measurable and lacked condition in twelve files reviewed. Ex."\_\_will read and follow written instructions independently 100% of the time for 2 consecutive weeks." "\_\_will be able to handle transitions appropriately 100% of the time for 2 consecutive weeks." "\_\_will complete functional/pragmatic language activities with 90% accuracy in 3 out of 4 consecutive sessions."

Goals in three files reviewed did not link to the Present Levels of Academic Achievement and Functional Performance.

The description of services was not broken down and did not list all areas of need in 7 files reviewed. Ex."Special Education Services 30 minutes 4X a week."

Justification of placement in five files did not use accept and reject correctly. Two files left the justification statement blank.

Seven students with transition plans did not have skill based information in the Present Levels of Academic Achievement and functional Performance. They only listed the scores from the ESTER.

Two students did not have Measurably Post Secondary Goals listed.

Two students did not address the Graduation Requirements.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<p>The district will review IEP files to ensure all required content. Including:</p> <ol style="list-style-type: none"><li>1. Present levels being skill specific stating the student strengths and needs. Parent input, and how the disability affects involvement in the regular classroom.</li><li>2. Goals relate back to the present levels and have condition, performance and criteria.</li><li>3. Description of services will be documented in the area of disability.</li><li>4. Justification statements will be completed for all students, using the accept reject format.</li><li>5. Students of transition age will have all areas of transition addressed in their IEP.</li></ol> <p><b>Data Collection:</b> Each teacher will submit 2 files for students having an initial or reevaluation. All prior notices, MDT's, reports and IEP will be submitted for each student. Three IEPs of a student of transition age should be included.</p>	May 2012	School District	

**3 month Progress Report:**

**6 month Progress Report:**

**9 month Progress Report:**

#### **4. GENERAL SUPERVISION**

##### **State Performance Plan-Indicators 8, 11**

**ARSD 24:05:30:04. Prior notice.** Written notice which meets the requirements of § 24:05:30:05 must be given to the parents five days before the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. The five-day notice requirement may be waived by the parents.

**ARSD 24:05:30:05. Content of notice.** The notice must include the following:

(1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the IEP team considered and the reasons why those options were rejected;

(2) A description of each evaluation procedure, assessment, record, or report that the district uses as a basis for the proposal or refusal;

(3) A description of any other factors which are relevant to the district's proposal or refusal;

(4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this article and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and

(5) Sources for parents to contact to obtain assistance in understanding the provisions of this article.

#### **Findings:**

Four prior notices could not be found for students for annual IEPs and Evaluations. Dates were missing on 2 prior notices.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<b>Activity/Procedure:</b> The district will ensure all students to be evaluated will have a prior notice completed containing all required content. <b>Data Collection:</b> The district will submit to Special Education Programs copies of all prior notices for evaluations and prior notices for meetings. General Supervision #3 will be used for this submission.			

**3 month Progress Report:**

**6 month Progress Report:**

**9 month Progress Report:**

#### **5. GENERAL SUPERVISION**

##### **State Performance Plan-Indicators 5, 6, 8, 11**

**ARSD 24:05:25:06. Reevaluations.** A school district shall ensure that a reevaluation of each child with a disability is conducted. A reevaluation may occur not more than once a year, unless the parent and district agree otherwise, and must occur at least once every three years, unless the parent and the district agree that a reevaluation is unnecessary.



**ARSD 24:05:27:08. Yearly review and revision of individual educational programs.** Each school district shall initiate and conduct IEP team meetings to periodically review each child's individual educational program and, if appropriate, revise its provisions. An IEP team meeting must be held for this purpose annually. The review shall be conducted to determine whether the annual goals for the student are being achieved. The individualized education program shall be revised, as appropriate, to address: any lack of expected progress toward the annual goals and in the general curriculum, if appropriate; the results of any reevaluation conducted; information about the student provided to, or by, the parents; the student's anticipated needs; or other matters.

**Findings:**

Two students did not have a three year reevaluation completed in the correct timelines. Four students did not meet the timelines for annual IEP review. The IEPs were completed, but not within the one year timeline.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<b>Activity/Procedure:</b> The district will chart each student residing in the district for a master list of when their 3 year reevaluations and annual IEPs are due. <b>Data Collection:</b> The district will report to the Special Education Program the number of students having Initial or reevaluations, and IEPs reporting the numbers that met the timelines for each reporting period.	May 2011	School District	

**3 month Progress Report:**

**6 month Progress Report:**

**9 month Progress Report:**